IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 13877 of 1994

Between:

1 M.A. Razzak S/o. Mohd. Mahamood Saheb,
resident of H.No.22-6-301/D, Iranigalli, heir of late Shamshuddin and G.P.A. of petitioner 2 to 9 herein.
2 Syed Saqawath Ali Khan S/o Syed Shebbir Ali Khan
R/o. H.No. 27-7-537, Mir Alam Mandi, Hyderabad.
3 Syed Fazle Ali Khan Alias Taqi S/o Syed Shabbir Ali Khan
R/o. H.No. 27-7-537, Mir Lam Mandi, Hyderabad.
4 Syed Yousuf Ali Khan S/o Syed Shabbir Ali Khan
R/o. H.No. 27-7-537, Mir Alam Mandi, Hyderabad.
5 Syed Mustafa Ali Khan S/o Syed Shabbir Ali Khan
R/o. H.No. 27-7-537, Mir Alam Mandi, Hyderabad.
6 Rahathunnisa Begum D/o Syed Shabbir Ali Khan
R/o. H.No. 27-7-537, Mir Alam Mandi, Hyderabad.
7 Sadathunnisa Begum D/o Syed Shabbir Ali Khan
R/o. H.No. 27-7-537, Mir Alam Mandi, Hyderabad.
8 Parwarishunnisa Begum D/o Syed Shabbir Ali Khan
R/o. H.No. 27-7-537, Mir Alam Mandi, Hyderabad.
9 Dilwarunnisa Begum D/o Syed Shabbir Ali Khan
R/o. H.No. 27-7-537, Mir Alam Mandi, Hyderabad.

..... PETITIONERS

AND

1 The Commissioner of Land Revenue, Andhra Pradesh, Hyderabad.
2 The District Collector, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more in the nature of Writ of Mandamus

directing the respondents to comply the orders in CCS & LR No. P5/1286/1982, dated 20-7-1982 passed by the Commissioner, survey settlement and land records and CLR.5 Ref.No.BBI/3668/83, dated 10-2-1984 passec by the first respondent and to pass such any other order or orders.

Counsel for the Petitioner:MR.SYED SHAHEEN PERVAIZ

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

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THE HON'BLE SRI JUSTICE B.PRAKASH RAO

W.P.NO.13877 OF 1994

O R D E R:

This writ petition is filed in the nature of writ of Mandamus directing the respondents to comply with the order passed in CSS & LR NO.P 5/1286/1982 dated 20.07.1982 by the Commissioner-Survey Settlement & Land Records, Hyderabad and also CLR's Ref.NO.BBI/3668/83, dated 10.02.1984.

Heard the learned counsel for the petitioner. There is no representation on behalf of the respondents.

Brief facts of the case are that the petitioners herein are the legal heirs and successors of late Nawab Shamshamul Mulk. They are said to be the pattedars and owners of the land in S.Nos.101 & 104 of Kompally Village. The main grievance of the petitioners is that though they are owners of the said lands, their lands were included in Pet Basheetbad Village as Government lands. On an enquiry, the Board of Revenue found that there were some procedural irregularities in the disposal of the boundary dispute and thereby it directed the District Collector, Ranga Reddy District to decide the issue by making a fresh enquiry. As no claims were made by the petitioners, the Collector felt that there is no need to correct the entries and thereby deleted the lands in S.Nos.101 and 104 from Kompally Village and included them in Pet Basheerabad Village as S.Nos.25 and 93. Aggrieved by the same, the petitioners filed an appeal before the Commissioner of Survey & Settlement, Land Records, Hyderabad. He issued a categorical direction to the Collector to delete the wrong entries made in S.Nos.25 and 93 from Pet Basheerabad Village and include

them as S.Nos.101 and 104 of Kompally Village. As the 2nd respondent failed to implement the orders passed by the 1st respondent, the petitioners herein filed W.P.No.17881 of 1981 before this Court and on 20.06.1989, this Court passed orders directing the respondents to implement the orders, dated 20.07.1982 and 10.02.1984. In spite of the orders passed by this Court, the respondents did not take any action. Hence, this writ petition is filed.

On considering the submissions made by the learned counsel for the petitioners and also on perusing the record, it is seen that the claim of the petitioners in respect of the aforesaid lands is based on the proprietary rights. Whereas, the case of the respondents is that the said lands belong to the Government and are falling within the boundaries of Pet Basheerabad. This Court cannot go into all these aspects in the writ petition. If really the petitioners are entitled to proprietary rights, the same can be established in a competent civil Court. Further, if the petitioners have already obtained a decree of a competent civil court, the same can be executed as per the provisions of the civil procedure code. In view of the same, this Court cannot interfere with the writ petition under Article 226 of the Constitution of India.

The writ petition is accordingly dismissed. However, it is open for the petitioners to approach a competent civil Court either for establishing their rights or for executing any decree obtained by them. No costs.

12.08.2004

tjs

Sd/- P.EKAMBARAM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Commissioner of Land Revenue, A.P., Hyderabad

2.The District Collector, Ranga Reddy District.

3. The G.P. for Revenue

4. 2 CD copies

5. one CC to Mr. S.S. Prasad, Advocate. (OPUC).

Kul.

Dt: 12-8-2004

Order

W.P. No. 13877 of 1994

Dismissing the W.P. without costs.